

# **EXHIBIT A**

## **(family letters)**

August 6, 2021

Honorable Beth Labson Freeman  
U.S. District Court for Northern District of California  
San Jose Courthouse, Courtroom 3 – 5<sup>th</sup> Floor  
280 South 1<sup>st</sup> Street  
San Jose, CA 95113

Ref: The United States v. Kail, Case No. 18-cr-00172-BLF-1

Dear Judge Freeman:

To begin, allow me to introduce myself – I am the mother of Mike Kail. To say I am biased in his favor is an understatement. Character begins from birth and grows through the years. I can attest that Mike’s character has always been one of caring, always honestly working to achieve a job well done. As a parent I helped Mike to develop a strong work ethic and to pursue education as an ongoing learning process. Growing up on a farm in the Midwest, Mike learned the ethic of hard work and not always high pay, learning the importance and satisfaction of completing a job well done. Detasseling corn in less than desirable weather and not ideal hours, cleaning a local locker’s butchering room after a full day in school plus sports practice, baling hay for many local farmers were jobs completed by Mike and instilled the work ethic to complete the job well done. In high school, Mike served in several leadership roles – he served as student council president and National Honor Society president. Students looked up to him for his ethic and honesty. In college at Iowa State University Mike worked hard to achieve more than good grades, but more importantly to retain the knowledge he was gaining. Mike went on and worked several internships, which also gave him the understanding of fellow workers and employers. Mike is an honest person who states things in black and white, thus everyone knows and understands what he is communicating. Only an honest person can do that.

Mike has a younger brother who is deaf. Mike has always supported his brother, understanding the society road blocks in his brother’s life. I have always loved Mike, not only because he is my first-born son, but for the standards he has set for his life. If there were more Mike’s, our country would be much better. Mike also stepped up to help his Grandmother at a time of need. He displayed his love and his character when he bought her home to help her transition to a nursing home. But this good deed went even further. He helped a person then buy this home by allowing her to pay him monthly. She did not have the credit to get a loan and so Mike gave her this opportunity and thus helped her credit rating. A true caring of others.

I would urge you to consider each of these qualities possessed by Mike when you deliberate and make your decision. Thank you for your consideration to resolve this case favorably for our son, Mike.

Sincerely,

*Rita*

Rita A. Kail, mother of Mike Kail

August 6, 2021

Honorable Beth Labson Freeman  
U.S. District Court for Northern District of California  
San Jose Courthouse, Courtroom 3 – 5<sup>th</sup> Floor  
280 South 1<sup>st</sup> Street  
San Jose, CA 95113

Ref: The United States v. Kail, Case No. 18-cr-00172-BLF-1

Dear Judge Freeman:

I believe to state this letter is being composed by an unbiased author would constitute a grievous lie. I am Michael Dean Kail's father. I am writing this letter to overcome any judicial bias that might be cause to influence judicial perception of my son, the defendant.

Growing up on an Iowa farm operation, Mike quickly learned the decisions made had far reaching and quite often serious consequences. These decisions would affect the outcome of an entire seasons' crops and the attendant family that was dependent upon the livelihood hung in the balance. Our operation required sophisticated, expensive equipment and Mike was entrusted with it on a daily basis. He exhibited an aptitude for careful usage of thee machines, even though he would never mature to an agri-business livelihood.

I believe that providing Mike with an early version of the Apple family of personal computers was the beginning of his career. He quickly became a leader in this realm in his high school class. He was and is viewed as a 'strong leader' as he works well with clientele, internal teams and often vendors. This enhances his trust ability in the 'industry.' To me, trust is paramount in any action, word, or deed that we can think of or discuss.

My (our) son is a good, honest, hardworking, husband, father, person. I truly hope you will take these factors into account and the effects that will become a reality as you take his case under consideration.

Again, as a biased, loving parent, I plead for Michael Dean Kail's case to be resolved favorably for him.

Respectfully Yours,

*Paul L. Kail*

Paul L. Kail, Father of Mike Kail

August 6, 2021

Honorable Beth Labson Freeman  
U.S. District Court for Northern District of California  
San Jose Courthouse, Courtroom 3, 5th Floor  
280 South First Street  
San Jose, CA 95113

RE: Case No. 18-cr-00172-BLF-1

Dear Judge Freeman,

I am Mike Kail's wife of 14 years, and we have two sons together. I sat through every minute of the trial, and while it was an incredibly disheartening and painful experience, I thank you for permitting me to attend as it was so very important for me to be there for Mike during this time. After nearly seven years of living together through this legal nightmare in one form or another, I not only wanted to be there, I *needed* to be. The trial is over and, obviously, it was a shocking and devastating outcome for us. Now, with this letter, I would like to offer a different view of my husband...different from the fictional stranger described by the government, one sadly not seen by the jury, and one frustratingly deemed "irrelevant" in the impersonal and arcane legal realm. I tried to keep this as straightforward and unemotional as I could, but I found it impossible to keep at least some anger and emotion from showing. Thank you for your indulgence.

I believe the qualities that most represent Mike are a passion for excellence in both work and physical fitness, loyalty to family and friends, a great love for the ever advancing world of technology, and a true desire to help others be their best, whether in their careers or personal lives.

When I first met Mike at the end of 2005, he was either typing away at his computer at all hours for both his regular job and numerous colleagues that he consulted for, or running up to 100 miles a week with a group of loyal friends who were equally as committed to speed and success. As a lifelong 'type B' person myself, I was fascinated by and drawn to his energy and, to this day, I believe we complement each other very well. I discovered the source of his work ethic when we first traveled back to Iowa so I could meet his family before we married. Mike was raised in Farnhamville, a town that to this day only has about 400 residents. His father, a decorated Vietnam veteran was a farmer, and his mother worked in the tiny school system where Mike would eventually graduate in a class of about 20 seniors. He did not have an easy childhood, he did not come from privilege. He spent his summers baling hay, raising pigs, detasseling corn, cleaning up the slaughterhouse, and re-roofing homes. He was raised by devout, tough, but loving people who set the example of hard work for their sons. Even his younger brother, who was born deaf in this remote corner of the world, would overcome his disability to become a restaurant chef. When his family was able to purchase their first computer in the early 80s, Mike fell in love and knew that computer science, not farming, would be his future. To fast-forward through college and his early internships and jobs, this would be the foundation that would lead him to be one of the most respected and followed technology thought leaders today.

Indeed it was his reputation and following which led Reed Hastings to email Mike out of the blue one Saturday in 2011 about a possible position at Netflix, even though we lived 500 miles away in San Diego. While a very tempting offer from the company soon followed, Mike initially considered turning it down, as we were happy in Southern California and I had just given birth to our second child days before. But he was so excited for the opportunity to work for such a dynamic company in Silicon Valley. He commuted for two months until I and our toddler and newborn could join him up north.

Judge Freeman, Mike *loved* working at Netflix. While the government spoke of a man driven purely by greed and a desire for power, that was *never* what motivated Mike's efforts there. He was brought to Netflix specifically to take a very technologically forward-looking company even further forward. That would mean working with start-up companies as they were the only ones who could provide the required technology. He loves and is excited by new technology, both the companies and the people who bring it to fruition. When he introduced a company to Netflix, it was only with the full cooperation and approval of his team. When a company asked Mike to be an advisor, it was from a place of mutual respect; the company respected his expertise and vision, and he respected the company's product, leadership, and potential. Mike was always very proud and *very public* about his advisory roles. While his work was not without its hardships and setbacks (as it is with any leading edge process), deception and avarice never played any part. Mike has always taken great pride in his work, and has always gone the extra mile in service of those he worked with and for. And the fact that this quality would later be twisted and perverted into an accusation of a "scheme to defraud" any employer, let alone the one he was most proud of, is beyond the pale.

Additionally, I have never known Mike to be all-consumed with his own advancement - he has always helped others on their paths to success. This has included friends and colleagues, as well as those at Netflix who reported to him. His employees were always so important to him, but not just as workers. Many became friends and mentees - several even visited our home many times to chat and seek advice. He was always so happy when he was able to promote one of his direct reports as he was proud to see them advance in their careers. Likewise, he would often be deeply upset if he had to let one of his reports go, more often due not to poor performance but to not perfectly fulfilling Netflix's lofty "keeper test". Mike *cared* about his employees, and despite the highly questionable trial testimony of only a select few of them (including one who owed her entire rise within the company to him), I hope that aspect came through with his extremely positive 360 reviews and the fact that no one said he was a bad boss, or thought he was working against them or the company. He would *never* have disrespected his employees by deceiving them or exploiting them for his own gain.

The above is but only a brief overview of the man I have shared a life with for over 14 years, and hopefully shows why it was so infuriating and heartbreaking to sit silently in that courtroom and listen to my husband portrayed as a "*crime boss*". This portrayal is just not true. In fact it borders on the absurd, and could even be quite humorous if it hadn't been so very damaging to us. I can only speculate as to the genesis of all this...all I know is that once Mike moved on to Yahoo! in 2014 and recruited a few of his former Netflix employees, everything fell apart. We spent the next year and a half defending his work and reputation in a civil suit. I remember distinctly the pain and fear and loss caused by that suit and the dread

of what may come. One of my most vivid memories is the early morning of November 30, 2015, making a peanut butter and jelly sandwich for a school lunch, and the next thing I knew I was pulling our then 4 and 7-year-old sons out of bed while numerous FBI agents invaded our home, one with a gun at his side. It was one of the most frightening and humiliating experiences of our lives. Once the civil suit was settled, we spent 2016 and 2017 trying to rebuild and even reached a point where, even though we knew things could never be the same, we felt able to move on. Then came 2018 where we were once again body-slapped by the criminal charges. And just over three years of continued devastation later, here we are.

I am describing these events not out of a sense of self-pity. It is true that we have enjoyed many advantages and good things in our lives, before, and even during this situation. We had and still have much to be grateful for, and I try to focus on that when feeling my lowest. But I will also not try to pretend that these years facing the vast legal machine have not taken a serious toll, that they have been anything less than traumatic on Mike, on me, and our extended family. While the toll has included loss of jobs and career opportunities for Mike, loss of friendships/relationships for us both, as well as huge financial loss, the mental cost may be the worst. For years, hardly a day has gone by where we don't think about it, talk about, stress about it, or even dream about it. The near-constant anxiety has affected every facet of our lives, from our ability to focus on everyday activities, to being fully mentally present for our children, to feel real joy in life's pleasures, and to form any plans for the future.

While it may not be prudent on my part, I must say the following; I *cannot and will not* ever believe that this entire situation was not set in motion by people with real power, real influence, and vast resources acting in bad faith with bad motivations. There simply is no other sensible explanation. Either Mike is a super-genius who pulled the wool over the eyes of numerous incredibly smart people working at the apex of the Silicon Valley tech community, or....in reality, there was no fraud, no crime. I also want to stress that mine is not merely the reaction of a wife reflexively defending her husband just because. I have had years to think about these things. If I had ever seriously thought that Mike had jeopardized his career and his reputation, ergo his family, by engaging in criminal activity, then I would have packed my things and my children, left, and wished the prosecutors all the best. I have stood by my husband's side because I believe wholeheartedly in his innocence. And I know that if Mike had behaved in the manner in which he is accused, he would have chosen to plead rather than subject his family to this ordeal. He is an ethical man, and has always been nothing short of a fully loving, faithful, and supportive husband to me, and a very involved, and devoted father to our two boys.

Those boys are now 10 and almost 13 years old. They are right on the brink of being teenagers, young men who will need their father present in their lives more than ever. This is what I hope you most take into mind when considering sentencing for Mike. A harsh sentence would have absolutely zero benefit to society, and would only serve to take a father away from two young boys just when they will need him most.

I also hope you will take into consideration the numerous letters submitted in support of Mike, letters from highly respected individuals, who, despite all that has happened, have continued to believe in him and stand by him because they truly know the man he is.

I apologize for the length of this letter and if I spoke too personally. However, while the government has had all the time and every resource at its disposal to present its version of events and of my husband, this is and will probably be my only opportunity to speak on the record, such as it is, to give a different perspective. Thank you for your time.

Sincerely,  
Raegan Kail

August 12, 2021

Honorable Beth Labson Freeman  
U.S. District Court for Northern District of California  
San Jose Courthouse, Courtroom 3 – 5<sup>th</sup> Floor  
280 South 1<sup>st</sup> Street  
San Jose, CA 95113

Ref: The United States v. Kail, Case No. 18-cr-00172-BLF-1

Dear Judge Freeman:

To begin with, allow me to introduce myself. I am Kendall L. Kail, brother of Mike D Kail. I was born profoundly deaf in a hearing family and a hearing world. As brothers growing up on a farm, we shared many good times. Mike was always there for me, even with our communication barrier.

At the age of 10, I decided that I wanted and needed to go to the Iowa School for the Deaf. This decision was made because of being part of a deaf society. But I saw the effect this had on Mike – he lost the companionship of his brother. I would hope you would consider the impact your decision will have on the family of my brother, Mike D. Kail.

Mike has always supported me in various ways. He shared thoughts and ideas even though we saw things differently because of language barriers. Mike's latest support to me has been supporting my purchase of a local restaurant which I named after our grandfather, - Rudy's. I am one of the very few deaf chefs. Mike's support has been talks, ideas, finance, and just being there with an open mind to bounce ideas back and forth. To be able to communicate with Mike has been instrumental since our hearing world is not always open to communication with the deaf.

Again, I plead for Michael Dean Kail's case to be resolved favorably for him.

In Good Faith,

*Kendall L. Kail*

Kendall L. Kail, Brother of Mike Kail

July 28, 2021

Honorable Beth Labson Freeman  
U.S. District Court for Northern District of California  
San Jose Courthouse, Courtroom 3 – 5th Floor  
280 South 1st Street  
San Jose, CA 95113

Ref: The United States v. Kail, Case No. 18-cr-00172-BLF-1

Dear Judge Freeman:

I believe I should state forthwith that in the above-referenced case I am the mother-in-law of Mike Kail. To say I am biased in his favor is an understatement for the following reason. This man "volunteered" to support me by paying my rent payments if I would make the move from Sacramento to Los Gatos so I could be closer to my daughter and two grandsons which I could not consider financially on my own. He made it clear there would be no strings attached. I would not be expected to babysit, dog sit or do any other grandparent activities unless I chose to. This turned out to be a terrific decision for me and I believe for us all. I am two blocks from them and we have a wonderful close family relationship. I have seen Mike develop into a caring and involved father, supporting both boys in their endeavors, urging physical activity as well as providing tools for intellectual pursuits. We are all blessed and I am particularly grateful for his presence.

I have to say that coming up to my 80th birthday, the world seems to be off its moral bearings and that Lady Justice seems to have slipped her blindfold. To me, that Mike is a wonderful son-in law, husband, father and good citizen is what I would urge you to consider in your deliberations. Thank you for your consideration.

Very truly yours,  
Sue Ellen Goodell